

Appl. No. : 09/945,026  
Filed : August 31, 2001

### REMARKS

In response to the Office Action mailed March 14, 2003, Applicant initially notes with appreciation the indication of allowability of Claims 26-46 conditioned upon rewriting these claims into independent form and correcting the noted informalities. By the foregoing amendment, Claim 26 has been rewritten into independent form and Claims 27-46 all depend from Claim 26. Additionally, Applicant has corrected the language of Claims 27, 28, 34, 35, and 38-45 to more distinctly claim and particularly point out the recited exercising apparatus. Accordingly, Applicant respectfully submits that Claims 26-33 and 35-46 are now in condition for allowance.

In regard to the balance of the original claims (i.e., Claims 1-25 and 34), Applicant has elected to cancel these claims, without prejudice or disclaimer, in favor of pursuing the new claims submitted herewith.

Claims 47-66 comprise new claim sets. Applicant respectfully submits that each of these claims defines over the applied references and no new matter is introduced through these new claims. Therefore, consideration of Claims 47-66 is respectfully requested.

In regard to the noted informalities in the specifications and the drawings, Applicant has corrected such in the amendments set forth above. Entry of these amendments is respectfully requested.

### CONCLUSION

The undersigned has made a good faith effort to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney, William H. Shreve at (949) 721-2895 (direct line), to resolve such issue promptly.

Respectfully submitted,

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<sup>n</sup>  
Dated: Sept 15, 2003

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